

Pa 1

IN THE UNITED STATES DISTRICT COURT S.D. OF TEXAS @ HOUSTON

United States
United States Court
Southern District of Texas
FILED
NOV 15 2022

ZACHARY LOUDD
(DEFENDANT)

COMPASSIONATE RELEASE
MOTION PURSUANT TO
18 USC 3582 (C)(1)(A)(i)

Nathan Ochsner, Clerk of Court

EMERGENCY MOTION FOR COMPASSIONATE RELEASE IN LIGHT
OF 18 USC 3582 (C)(1)(A)(i) AS MODIFIED BY THE
FIRST STEP ACT OF 2018....

PETITIONER ZACHARY LOUDD PRO SE, RESPECTFULLY ASK
THIS HONORABLE COURT AND JUDGE MELINDA HARMON TO
PLEASE GRANT THIS MOTION FOR COMPASSIONATE RELEASE
FOR EXTRAORDINARY AND COMPELLING REASONS.

PETITIONER HAS ALREADY EXHAUSTED HIS REMEDIES WITH
THIS WARDEN (SEE EXHIBIT #1) ATTACHED HERE TO... SEE,
UNITED STATES VS. FRANCO 973 F.3d 465 (5th CIR 2020)
(WARRANTING AT LEAST A REDUCTION IN SENTENCE DUE TO
COVID-19 PANDEMIC...)

BECAUSE PETITIONER HAS UNDERLYING HEALTH CONCERNS
THAT CAN ELEVATE HIS RISK OF BECOMING SEVERELY ILL
FROM COVID-19, HAS EXHAUSTED HIS REMEDIES WITH THIS
WARDEN, HAVE SERVED 70% OF HIS SENTENCE COMPLETED
IN THE B.O.P, HAS COMPLETED NUMEROUS PROGRAMS IN

pg 2

THE BOP, (SEE EXHIBITS 4,6), ALSO HAS A GOOD FAMILY SUPPORT SYSTEM ON THE STREET, AND IS CURRENTLY HOUSED IN A FACILITY WHERE THE QUALITY OF MEDICAL CARE AVAILABLE TO HIM IS A "QUESTION MARK" AT BEST—HE IS A WORTHY CANDIDATE FOR COMPASSIONATE RELEASE...

DISTRICT JUDGES IN THIS COURT GRANTED CASES IN LIGHT OF UNITED STATES VS JACKSON DIST LEXIS 71601 2020....

PETITIONER HAS SUCCESSFULLY COMPLETED THE "SMU PROGRAM" AS WELL AS STAYING OUT OF TROUBLE OF ALL SORTS. HIS MEDICAL RECORDS COUPLED WITH THE PROGRAMS, ETC.... WILL EXEMPLIFY THAT THIS DEFENDANT SHOULD BE GRANTED A COMPASSIONATE RELEASE WITH TIME SERVED OR BE SENT TO HOME CONFINEMENT TO BE REMOVED FROM THIS UNSAFE ENVIRONMENT SINCE COVID-19 IS STILL BAD IN THIS AREA...

PETITIONER WAS TESTED AND DEEMED POSITIVE FOR COVID-19 ON OR ABOUT AUGUST 26TH 2022 AND WENT ON A QUARANTINE LOCKDOWN FROM 8/26/22 TO 9/6/22 AND WAS FEELING VERY BAD...

THE CENTERS FOR DISEASE CONTROL HAVE IDENTIFIED SEVERAL FACTORS THAT PUT INDIVIDUALS AT HIGHER RISK

pg 3

RISK FOR SEVERE ILLNESS, REGARDLESS OF THEIR AGE. THE CDC HAS STATED THAT THE FOLLOWING CONDITIONS ARE AN ALL TIME HIGH RISK LEVEL OF VERY SEVERE ILLNESS FROM COVID-19 (HEART CONDITIONS AND HYPERTENSION).
ENTER ASIA...

PETITIONER IS AT RISK (HIGH) LIVING AT THIS INSTITUTION AND REALLY NEEDS TO BE AT HOME WITH HIS FAMILY. HE HAS CLEARLY DEMONSTRATED EXTRAORDINARY AND COMPELLING REASONS TO BE GRANTED COMPASSIONATE RELEASE.

PETITIONER HEALTH CONDITIONS WOULD PLACE HIM AT HIGH RISK NO MATTER WHERE HE HAPPENS TO BE DURING THIS PANDEMIC, BUT THE FACT THAT PETITIONER IS HOUSED IN A FACILITY THAT HAS A HORRIFYING HISTORY RECORD FOR PROVIDING SUBSTANDARD MEDICAL CARE TO THE INDIVIDUALS IN HIS CUSTODY, AND THE LACK OF TRANSPARENCY ABOUT TESTING AT THIS FACILITY DURING THE PANDEMIC ARE REASONS FOR EVEN GREATER CONCERNS OF PETITIONER'S HEALTH. PRACTICES HERE AS FAR AS COVID-19 IS CONCERNED ARE SLIM TO NONE WHEN IT COMES TO GETTING MEDICAL ATTENTION.

PETITIONER ARGUES THAT HE SHOULD AT THE VERY LEAST BE GRANTED A SENTENCE REDUCTION DUE TO OVERWHELMING EVIDENCE AND CLEARLY EXTRAORDINARY AND COMPELLING REASONS.

Pg 4

Which will WARRANT Good Grounds FOR Release. See, UNITED STATES vs. FRANCO 973 F.3d 465 (5th CIR 2020)

In this case, A Reduction of Sentence at this juncture would not diminish the seriousness of Petitioner's offense, NOR would it place the public in any kind of danger. Thus, Since Petitioner has served at least 70% of his sentence with GCT, completed Rehabilitative Programs and classes while serving his 108 month sentence, Obtained his GED, as well. Petitioner asks the court to Grant this Motion/Petition FOR Extraordinary and Compelling Reasons He has Demonstrated in his Motion UNDER 3582(c)(1)(A)(i) IF GRANTED, He will reside at 2117 Weldon Drive in Houston, TX 77032 with his Mother, Mrs. Latosha Crosby (832) 492-1641...

Petitioner seeks an order from this court respectfully asking for at the least, to be placed on home confinement if this court deny his immediate Release based on all Petitioner's health issues, New laws, Programs, and evidence pursuant to this Motion of 18 USC 3582(c)(1)(A)(i)

Respectfully Submitted by:
ZACHARY LOUDS (Zuly Louds)

IN THE UNITED STATES DISTRICT COURT S.D. OF TEXAS @ Houston

United States
vs
ZACHARY LOUDD
United States District Court
Southern District of Texas
FILED

NOV 15 2022

Nathan Ochsner, Clerk of Court

SUPPLEMENT MOTION
FOR COMPASSIONATE RELEASE
PURSUANT TO 18 USC 3582(e)(1)(A)(i)

PETITIONER ZACHARY LOUDD PRO SE, AS AN ADDENDUM TO HIS MOTION FOR COMPASSIONATE RELEASE ARGUES THAT, IF HE WAS SENTENCED TODAY UNDER THESE NEW LAWS PURSUANT TO THE "FIRST STEP ACT COUPLED WITH THE CARES ACT" PETITIONER SENTENCE WOULD BE ROUGHLY HALF OF THE 108 MONTHS HE WAS THEN SENTENCED TO IN 2014, IN WHICH HE IS CURRENTLY SERVING AND HAS COMPLETED 70% OF THAT TIME, HAS OBTAINED HIS GED, DRUG CLASS AND MANY MORE CERTIFICATES (LISTED IN EXHIBIT 4-6), THIS IS ACCORDING TO THE FIRST STEP ACT. COURTS HAVE FOUND MANY SENTENCING DISPARITIES TO CONSTITUTE EXTRAORDINARY AND COMPELLING REASONS AND GROUNDS FOR A REDUCTION IN SENTENCE "AT THE LEAST" BECAUSE OF DEFENDANTS HEALTH AND EVIDENCE OF OTHER FACTORS. (AS IN HERE) SEE, UNITED STATES V. LEE DIST. VEXIS 137470 (E.D.V.A JULY 23RD 2021 AND U.S V REDD 444 SUPP. 3d 717 (E.D.V.A 2020)

U. S. Department of Justice
Federal Bureau of Prisons
USP Canaan, Pennsylvania

LOUDD, Zachary
Register No.: 87160-379
Unit D2
Page 1

EXHIBIT #1

Inmate Request to Staff Response

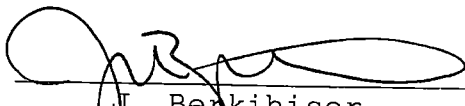
This is in response to your Request to Staff, wherein you request a Compassionate Release/Reduction in Sentence (RIS) or Home Confinement based upon your medical conditions, which you claim warrant consideration due to the COVID-19 pandemic.

In regards to your request for compassionate release based on your medical conditions, your request does not meet the criteria set forth in Program Statement 5050.50, Compassionate Release/Reduction in Sentence. A review of your medical records determined you have not been diagnosed with a terminal, incurable disease with a life expectancy of eighteen months or less, you are able to care for your daily needs, and you are not confined to a bed or wheelchair for greater than fifty percent of your waking hours.

Currently, Section 12003(b)(2) of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") grants discretion to the BOP to place inmates on home confinement for a longer term under 18 U.S.C. § 3624(c)(2). The BOP's discretion is guided by criteria listed in memoranda from the Attorney General.

A comprehensive review of your circumstances reveal you are serving a 168 month sentence for Aiding & Abetting Armed Bank Robbery, and are classified as a high security level inmate. Your concern about being potentially exposed to, or possibly contracting, COVID-19 does not currently warrant an early release from your sentence, and you are not an appropriate candidate for Home Confinement placement.

Accordingly, your request for a Compassionate Release/Reduction in Sentence and Home Confinement are denied. If you are dissatisfied with this response, you may appeal this decision through the Administrative Remedy Process.


J. Benkhisser
Acting Warden

9/2/22
Date

~~PG 1~~

ZACHARY LOUDD

VS.

MR. E. BRADLEY
WARDEN OF USP-CANAAN

AUGUST 16th 2022

COMPASSIONATE RELEASE

EMERGENCY MOTION FOR COMPASSIONATE RELEASE
PURSUANT TO 18 USC 3582 (c)(1)(A)(i) ...

PETITIONER ZACHARY LOUDD ASK THIS
WARDEN OF USP-CANAAN "MR. E. BRADLEY VERY
RESPECTFULLY FOR AN IMMEDIATELY RELEASE
DUE TO CONCERNS OF COVID-19...

PURSUANT TO THE LAW CHANGES OF THE FIRST
STEP ACT THAT WAS PASSED ON DECEMBER 18th 2018
THIS WARDEN HAVE THE AUTHORITY TO GRANT THIS
PETITION AND RELEASE PETITIONER EFFECTIVE
IMMEDIATELY DUE TO CDC GUIDELINES

2✓
COUPLED WITH THE NEW LAW CHANGES IN THE
FIRST STEP ACT...

PETITIONER ARGUMENT WILL SHOW AND
PROVE THAT HE'S ENTITLED TO RELIEF BASED
ON ALL OF THE FOLLOWING "EXTRAORDINARY
AND COMPELLING" REASONS FOR HIS VULNER-
ABILITY TO BE EXPOSED TO COVID-19...

CIRCA JUNE OF 2014 PETITIONER WAS
ALLEGEDLY ACCUSED OF COMMITTING THIS
CRIME. PETITIONER HAS ALREADY SERVED
ROUGHLY 70% OF HIS TIME WHEN YOU ADD THE
GOOD CONDUCT CREDITS. SEE, EXHIBITS...
ATTACHED HERETO.

3W
PETITIONER SUFFERS FROM HYPERTENSION, SEIZURE DISORDER, HEART MURMUR, INTER ALIA ... THERE ARE VERY SCARY TROUBLING INDICATORS IN HIS MOST RECENT LAB RESULTS THAT SUGGEST THAT PETITIONER IS AT RISK OF DEVELOPING SERIOUS HEART FAILURE.

BECAUSE PETITIONER HAS UNDERLYING CONCERNS OF HEALTH ISSUES THAT CAN ELEVATE HIS RISK OF BECOMING SEVERELY ILL FROM COVID-19, HAVE A VERY SHORT TIME LEFT TO SERVE ON SENTENCE, (ie, WITH GOOD CONDUCT CREDITS ADDED) AND IS CURRENTLY HOUSED AT A FACILITY WHERE THE QUALITY

4
OF THE MEDICAL CARE AVAILABLE TO HIM
IS QUESTIONABLE AT BEST, AND HAVE BEEN
TRYING TO STAY INFRACTION FREE, ETC...
PETITIONER IS A WORTHY CANDIDATE FOR
COMPASSIONATE RELEASE.

PETITIONER HEALTH ISSUES AND/OR PROBLEMS
PLACES HIM SQUARELY WITHIN WHAT THE
AMERICAN HEART ASSOCIATION WOULD ALSO
CHARACTERIZE AS "URGENT MATTERS" (IE,
HYPERTENSION AND HEART MURMUR)

CLEARLY, IT MAKES PLAIN THAT PETITIONER
CHANCES COULD INCREASE OF DEVELOPING VERY

SW
SERIOUS AND SIGNIFICANT COMPLICATIONS FROM COVID-19 IF PETITIONER BE EXPOSED TO THE DISEASE ACCORDING TO THE CENTERS FOR DISEASE CONTROL AND PREVENTIONS MOST RECENT GUIDANCE.

MR. ~~THOMAS~~ LOUDD CLAIMS ARE NOT BALD ASSERTIONS AND THIS COURT HAS ADDRESSED APPROPRIATELY THE NEED FOR A SENTENCE TO PROVIDE JUST PUNISHMENT, PROMOTE RESPECT FOR THE LAW, REFLECTED THE SERIOUSNESS OF THE OFFENSE, DETER CRIME, AND TO PROTECT THE PUBLIC. SEE, UNITED STATES V. JOHNSON RDB-07-0153 (D.MD. OCT. 14th 2020)

MR. LOUDD HAVE FAMILY AND COMMUNITY SUPPORT IF THIS ~~MOTION~~ BE GRANTED. THUS MR. LOUDD MOTHER NEEDS HIM HOME BECAUSE SHE IS GETTING

UP IN AGE. IF GRANTED, MR. LOUDD WILL ABIDE BY ALL RULES AND REGULATIONS SET FORTH VIA PROBATION OFFICER, ETC... —
 MOREOVER, MR. LOUDD WILL SEEK EMPLOYMENT, BE A MENTOR TO THE YOUNGER GENERATION IN AND OUT OF HIS COMMUNITY, AND STAY AWAY FROM ANY AND ALL ILLEGAL ACTIVITIES.

FOR THESE REASONS COUPLED WITH MR. LOUDD VERY SERIOUS HEART CONDITIONS, THIS WARMEN MR. E. BRADLEY SHOULD GRANT PETITIONER ZACHARY LOUDD COMPASSIONATE RELEASE MOTION FOR "EXTRAORDINARY AND COMPELLING REASONS" AND RELEASE MR. LOUDD TO HOME CONFINEMENT, THE HALFWAY HOUSE, AND/OR A SENTENCE REDUCTION OR WHATEVER YOU THINK IS APPROPRIATE.

Respectfully Submitted,
 ZACHARY LOUDD
 x *[Signature]*

ACCHARY LOUDD # 87160.379
USD CANAAN
P.O. BOX 300
WAXMART, PA 18472

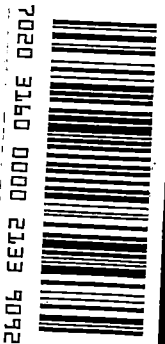
Legal
mail

United States Courts
Southern District of Texas
FILED
NOV 15 2022
Nathan Ochsner, Clerk of Court



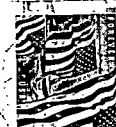
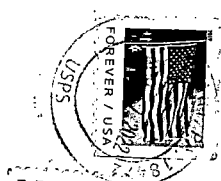
1000
77208

U.S. POSTAGE PAID
NOV 18 ENVY
WAXMART, PA
NOV 07, 22
AMOUNT
\$0.00
R2305M148274-30



7020 3160 0000 2133 9092

CERTIFIED MAIL



Bob Casser United States Court

P.O. BOX 61010

HOUSTON, TX

77030